IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA	*	
	*	
v.	*	
	*	**CRIMINAL NO. RDB-23-027**
TOMEKA GLENN and	*	
KEVIN DAVIS,	*	
	*	
Defendants.	*	
	*	

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CONSENT MOTION TO EXCLUDE TIME
PURSUANT TO THE SPEEDY TRIAL ACT

The United States of America, by and through its counsel, Erek L. Barron, the United States Attorney for the District of Maryland, and Paul A. Riley, Assistant United States Attorney for the District of Maryland, respectfully submits this Motion to Exclude Time Pursuant to the Speedy Trial Act, and moves to exclude time from the speedy trial calculation pursuant to Title 18 U.S.C. § 3161(h).

1. On December 16, 2022, a federal grand jury sitting in the District of Maryland returned a Criminal Complaint charging Defendants, Tomeka Glenn and Kevin Davis, with 18 U.S.C. Section 1349, Wire Fraud Conspiracy.

2. On January 6, 2023, Defendants had their Initial Appearance on the Criminal Complaint.

3. On January 25, 2023, a federal grand jury sitting in the District of Maryland returned an Indictment charging Defendants with 18 U.S.C. Section 1349, Wire Fraud Conspiracy. Thereafter, substantial discovery was disclosed to Defendants.

4. By Order dated September 15, 2023, the Court scheduled the trial in this matter to begin on April 8, 2024. ECF No. 36.

5. The Government has proposed tolling the speedy trial clock to allow the defense to review discovery and assess the case and for the parties to conduct discussions regarding resolution on this matter short of trial.

6. Further, counsel for each Defendant advised on September 14, 2023 that each consents to the tolling of the Speedy Trial Act for a period from January 6, 2023 through April 8, 2024—the first day of trial.

7. 18 U.S.C. § 3161(h)(7)(A) provides support for the sought exclusion of time. It specifically excludes from the speedy trial time requirements "any period of delay resulting from a continuance granted . . . at the request of the defendant or his counsel or at the request of the attorney or the Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial."

8. "[D]elays resulting from plea negotiations" are excludable as delays "resulting from other proceedings concerning the defendant" within the meaning of § 3161(h)(1). *United States v. Ford*, 288 F. App'x 54, 57-58 (4th Cir. 2008) (summary order) (citing 18 U.S.C. § 3161(h); *United States v. Bowers*, 834 F.2d 607, 610 (6th Cir. 1987) and *United States v. Montoya*, 827 F.2d 143, 150 (7th Cir. 1987)); *see also United States v. Leftenant*, 341 F.3d 338, 344-45 (4th Cir. 2003) ("other proceedings" include plea negotiations between the parties).

9. Moreover, a number of courts have held that continuances to permit additional time for plea negotiations are proper under § 3161(h)(7)—the provision of the Speedy Trial Act authorizing continuances where doing so will serve "the ends of justice." *See, e.g., United States v. Fabian*, 798 F. Supp. 2d 647, 673 (D. Md. 2011) ("[A]n 'ends of justice' exclusion is intended to cover any of various circumstances, including where . . . the government and the defendant are

engaged in ongoing plea negotiations.") (citations omitted); *United States v. Fields*, 39 F.3d 439, 445 (3d Cir. 1994) ("Nothing in the language of 18 U.S.C. § 3161(h)(8) suggests that an 'ends of justice' continuance may not be granted for this purpose. . . . In current federal practice, plea negotiations play a vital role. We therefore see no reason why an 'ends of justice' continuance may not be granted in appropriate circumstances to permit plea negotiations to continue.").

10. In light of the foregoing facts, the Government respectfully requests that the Court issue an Order finding that the interests of justice served by excluding the time from January 6, 2023 through April 8, 2024, including preparation for trial and discussions about a potential resolution of the case without a trial, outweighs the Defendant's and the public's interests in a speedy trial. *See* 18 U.S.C. § 3161(h)(7).

11. A proposed Order for the Court's consideration is attached.

Respectfully submitted,

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By: /s/

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